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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,711	06/27/2003	Alvin J. Borthwick	28594/39468	6940
4743	7590	03/21/2008	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			ALMATRAHI, FARIS S	
			ART UNIT	PAPER NUMBER
			3627	
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			03/21/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/608,711	BORTHWICK, ALVIN J.
	<b>Examiner</b>	<b>Art Unit</b>
	FARIS ALMATRAHI	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 December 2007.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 91-135 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 91-135 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 12/23/2003.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Status of the Application*

1. **Claims 1-90** have been cancelled.
2. **Claims 91-135** are pending in this application.
3. Applicant traversed the election of species requirement in the reply filed on December 20, 2007. The traversal is on the ground(s) that the species are not patentably distinct. This is not found persuasive because applicant discloses four embodiments as detailed in election of species requirement. Applicant's arguments and reference to the MPEP is directed to combination/subcombination restriction and does not apply to election of species. Applicant is reminded that restriction requirement was directed to election of species and not to combination/subcombination restriction. Nevertheless, the election of species requirement has been reviewed and is still deemed proper and is therefore made FINAL.

### *Drawings*

4. The drawings are objected to because Figures 1-14 are not legible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be

canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. **Claim 91** are objected to because of the following informalities: the term "lest" is viewed to be a misspelling of the term "least".

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. **Claims 91-135** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. **Claim 91** recites the limitation "whereby when the requestor places the request with the system, the indicator means associated with the stock item to which the request

relates is set to a first state indicating that at least on request associated with the stock item has not been attended to, and when all requests associated with the stock item have been attended to". The phrase "has not" render the claim to be vague and indefinite because the claim discloses a scenario that does not take place. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. Also, the phrase "all" encompasses an open-ended limitation that would overlap subject matter outside the scope of the invention and is therefore viewed as indefinite.

9. **Claim 102** recites the limitation "wherein if the reminder is not actioned within a predetermined time period". The phrase "if the reminder is not" is viewed to be vague and indefinite because it stipulates a conditional limitation. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

10. **Claim 110** recites the limitation "generating statistical information based on the number of requests, stock items and/or requestors". The phrase "and/or" is viewed to be indefinite because it is unclear if applicant is referring to both "stock items" and "requestors" or to either "stock items" or "requestors". Similar comments in regards to use of "and/or" apply to claims 111 and 132.

11. **Claim 116** recites the limitation "whereby when a requestor places the request, the indicator means associated with the stock item is set to a first state indicating that at least on request associated with the stock item has not been attended to, and when all

requests associated with the stock item have been attended to". The phrase "has not" render the claim to be vague and indefinite because the claim discloses a scenario that does not take place. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. Also, the phrase "all" encompasses an open-ended limitation that would overlap subject matter outside the scope of the invention and is therefore viewed as indefinite. Similar comments apply to claim 119 in regards to the phrase "has not".

12. **Claim 125** recites the limitation "identifying the contact details of the requestor and a stock item to which the request relates". There is insufficient antecedent basis in the claim for the phrase "the contact details". It is unclear as to what the applicant is referring to. Claim 125 also recites "setting an indicator means associated with the stock item to a first state indicating that at least one request associated with the stock item has not been attended to; and setting an indicator means associated with the stock item to a second state when all requests associated with the stock item have been attended to". The phrase "has not" render the claim to be vague and indefinite because the claim discloses a scenario that does not take place. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. Furthermore, the phrase "all" encompasses an open-ended limitation that would overlap subject matter outside the scope of the invention and is therefore viewed as indefinite.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. **Claims 91, 116, and 125** are rejected under 35 U.S.C. 102(b) as being anticipated by Aram et al (US Publication No. 2002/0072986 A1).

15. Regarding claims 91, 116 and 125, Aram discloses a system and method for managing requests comprising: receiving a request from a requestor via a communications line (Paragraph [0007]); identifying the contact details of the requestor and a stock item to which the request relates (Paragraphs [0183] – [0185]); setting an indicator means associated with the stock item to a first state indicating that at least one request associated with the stock item has not been attended to (Paragraph [0007], Paragraph [0170]); and setting an indicator means associated with the stock item to a second state indicating when all requests associated with the stock item have been attended to (Paragraph [0169]).

16. Regarding claims 92-93 and 126, Aram discloses a system and method further comprising associating each stock item with a stock code and associating each indicator means with a stock code (Paragraph [0007]).

17. Regarding claims 94, 98, 117-119, and 128, Aram discloses a system and method further comprising: displaying the stock code substantially adjacent to the

indicator means so that a visual association is formed there between (Paragraph [0063]); setting stock codes not associated with a stock item to a first state (Abstract, Paragraph [0162]); setting stock codes associated with a stock item to a second state (Abstract, Paragraph [0162]).

18. Regarding claims 96 and 131, Aram discloses a system and method further comprising displaying contact details of the requestor and the stock code of the stock item to which the request relates (Figure 7).

19. Regarding claims 97, 99 and 121, Aram discloses a system wherein the user interface further comprising a status box, the status box displaying the total number of stock codes set to each state (Figure 6, Paragraphs [0123] – [0124]).

20. Regarding claim 104, Aram discloses a system wherein the request is placed in one of the following manners: telephone call; facsimile message; e-mail; short messaging system message (Abstract, Paragraph [0057]).

21. Regarding claim 106, Aram discloses a system wherein the request means also records details from the requestor at the requestor's desired means of receiving information associated with the requestor (Abstract, Paragraph [0057]).

22. Regarding claims 109, 124, 130, Aram discloses a system and method further comprising displaying the total number of requests made in respect of a stock item on activation of the indicator means associated with the stock item (Figure 22).

23. Regarding claims 111 and 133, Aram discloses a system and method further comprising providing a menu to the requestor in the event that either the requestor's

contact details or the stock item to which the request relates could not be automatically ascertained (Paragraph [0128]).

24. Regarding claims 114 and 135, Aram discloses a system and method further comprising: searching for stock items having similar characteristics to the stock item to which the requestor's request relates (Paragraph [0126], Paragraphs [0181] – [0182]); and providing details of the suggested stock items to the requestor (Paragraph [0126], Paragraphs [0181] – [0182]).

25. Regarding claim 115, Aram discloses a system further comprising an interactive screen display, the user interface being adapted to accept a request from a requestor using the interactive screen display (Paragraph [0007]).

26. Regarding claim 127, Aram discloses method further comprising obtaining details of the requestor's desired means of receiving information and responding to the request using the requestor's desired means of receiving information (Abstract, Paragraph [0057]).

### ***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

28. **Claims 95, 100-103, 110, 120, 129 and 132** are rejected under 35 U.S.C 103(a) as being unpatentable over Aram et al (US Publication No. 2002/0072986 A1) in view of Pugliese et al. (US Publication No. 2001/0044751).

29. Regarding Claims 95, 100-103, 120 and 129, Aram discloses a method further comprising: displaying the stock code substantially adjacent to the indicator means so that a visual association is formed there between (Paragraph [0063]).

30. Aram fails to explicitly disclose setting stock codes for which a reminder that a sign or other form of notification or advertisement in respect of the associated stock items should be put up or placed has become due to a third state; and setting stock codes for which a reminder that a sign or other form of notification or advertisement in respect of the associated stock item should be taken down or discontinued to a fourth state.

31. However, Pugliese discloses setting stock codes for which a reminder that a sign or other form of notification or advertisement in respect of the associated stock items should be put up or placed has become due to a third state (abstract, Paragraphs [0386] – [0388]); setting stock codes for which a reminder that a sign or other form of notification or advertisement in respect of the associated stock item should be taken down or discontinued to a fourth state (Paragraphs [0386] – [0388]).

32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Pugliese in the device of Aram reference to include setting stock codes for which a reminder that a sign or other form of notification or advertisement in respect of the associated stock items should be put up

or placed has become due to a third state; and setting stock codes for which a reminder that a sign or other form of notification or advertisement in respect of the associated stock item should be taken down or discontinued to a fourth state, for the advantage of providing targeted advertising.

33. Regarding Claims 110 and 132, Aram fails to explicitly disclose a system and method further comprising the step of calculating statistical information in respect of requests, stock items and/or requesters.

34. However, Pugliese discloses a method further comprising the step of calculating statistical information in respect of requests, stock items and/or requesters (Paragraph [0100]).

35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Pugliese in the device of Aram reference to include a method further comprising the step of calculating statistical information in respect of requests, stock items and/or requesters, for the advantage building a customer profile from statistical data.

36. **Claims 112-113 and 134** is rejected under 35 U.S.C 103(a) as being unpatentable over Aram et al (US Publication No. 2002/0072986 A1) in view of Woo et al. (US Patent No. 5,948,059).

37. Regarding Claims 112-113 and 134, Aram fails to explicitly disclose a system and method comprising: establishing a voice mailbox for a stock item; recording a message for the voice mailbox; and playing the message to the requestor upon receipt of a request related to the stock item associated with the voice mailbox.

38. However, Woo discloses a system and method comprising: establishing a voice mailbox for a stock item; recording a message for the voice mailbox; and playing the message to the requestor upon receipt of a request related to the stock item associated with the voice mailbox (Abstract).

39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Woo in the device of Aram reference to include a system and method comprising: establishing a voice mailbox for a stock item; recording a message for the voice mailbox; and playing the message to the requestor upon receipt of a request related to the stock item associated with the voice mailbox, for the advantage of providing customers with an automated item information retrieval.

40. **Claim 105**, as best understood, is rejected under 35 U.S.C 103(a) as being unpatentable over Aram et al (US Publication No. 2002/0072986 A1) in view of Stogel et al. (US Publication No. 2002/0159574 A1).

41. Regarding Claim 105, Aram fails to explicitly disclose a system wherein the request means identifies the contact details of the requestor by an automatic caller identification.

42. However, Stogel discloses a system wherein the request means identifies the contact details of the requestor by an automatic caller identification (Paragraph [0006]).

43. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Stogel in the device of Aram reference to include a system wherein the request means identifies the contact details

of the requestor by an automatic caller identification, for the advantage of implementing automatic customer recognition to improve request processing.

44. **Claims 107-108 and 122-123**, as best understood, are rejected under 35 U.S.C 103(a) as being unpatentable over Aram et al (US Publication No. 2002/0072986 A1) in view of Robertson et al. (US Patent No. 6,968,511 B1).

45. Regarding Claims 107-108 and 122-123, Aram fails to explicitly disclose a system wherein, when the indicator means is in a first state, the indicator means is periodically illuminated and, when the indicator means is in a second state, the indicator means is permanently illuminated.

46. However, Robertson discloses a system wherein, when the indicator means is in a first state, the indicator means is periodically illuminated and, when the indicator means is in a second state, the indicator means is permanently illuminated (Column 8 lines 3-33).

47. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Robertson in the device of Aram reference to include a system wherein, when the indicator means is in a first state, the indicator means is periodically illuminated and, when the indicator means is in a second state, the indicator means is permanently illuminated, for the advantage of providing visual means of distinguishing between different states.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571) 270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627

Faris Almatrahi  
Examiner  
Art Unit 3627

FA